

## SIXTY-FOURTH DAY.

SENATE CHAMBER,  
AUSTIN, March 26, 1881. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by Rev. Mr. Philpott, of Austin.

On motion of Senator Burges, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Stubbs, for the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 25, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bills No. 294, "An act to give immediate effect to an act entitled 'an act granting a land certificate of 1280 acres to each of the surviving soldiers of the Texas Revolution and the signers of the Texas Declaration of Independence, and to the surviving widows of such soldiers and signers, and to the widows of those who fell at the Dawson massacre, and to repeal an act approved April 26, 1879,' and approved March 15, 1881;"

No. 249, "An act setting apart a certain portion of the public lands of this State for quarantine purposes, to provide for the location, surveying and sale thereof, and for the disposition of the funds arising from such sale;"

Also, Senate joint resolution No. 45, "Joint resolution granting W. E. Collard, Judge of the Ninth Judicial District of the State of Texas; and T. L. Nugent, Judge of the Thirtieth Judicial District of the State of Texas, permission to absent themselves from the State," and find the same correctly engrossed.

STUBBS, for Committee.

Senator Ross, chairman of Committee on Military Affairs, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 25, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Military Affairs, to whom was referred House joint resolution No. 15, "instructing our Senators and requesting our Representatives in Congress to procure the passage of a joint resolution by the Congress of the United States, authorizing the Secretary of War to loan the Adjutant-General of the State of Texas, on his requisition, such camp and garrison equipage as may be needed by the State troops of Texas at their annual encampment," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

ROSS, Chairman.

Bill read first time.

Senator Martin of Navarro, chairman of the conference committee on the part of the Senate on Senate bill No. 35, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your conference committee, appointed on the part of the Senate and House of Representatives to consider the matters of disagreement between the two houses on Senate bill No. 35, entitled, "An act to amend chapter 130, of the acts of 1879, entitled 'an act to act to amend section 46 of an act to encourage stockraising and for the protection of stockraisers,'" have considered said matters of disagreement, and beg leave to report that they are unable to agree, and respectfully ask that a committee of free conference be appointed.

MARTIN of Navarro, Chairman,  
POWERS,  
MOORE,

Senate Committee.  
PERRENOT, Chairman,  
GAUTHIER,  
FOSTER,

House Committee.

On motion of Senator Gooch, the report just read was adopted.

On motion of Senator Martin of Cooke, Senate bill No. 296, "An act to legalize and validate the ordinances of cities and towns, where said ordinances impose a penalty for their violation, and have not been published in the offi-

cial journal as required by law, and to give force and effect to the same," was taken up by unanimous consent, and read second time.

Senator Martin of Cooke offered the following amendment: Amend by adding after the words "publication of said ordinances," the words "but shall have had the same published in pamphlet form." Adopted, and bill ordered engrossed.

A message was received from the House announcing the passage of the following bills, which the President referred to appropriate committees:

Substitute House bill No. 272, "An act to make an appropriation for the propagation and preservation of fish, and to build fish-ways and fish-ladders, and to authorize the Governor to appoint a fish commissioner, and to repeal all laws in conflict therewith." Referred to Committee on Finance.

House bill No. 610, "An act to make an appropriation for the per diem pay of the officers, members and employees of the Seventeenth Legislature of the State of Texas." Referred to Committee on Finance.

House bill No. 170, "An act to validate donation land certificate issued to Joseph Floyd." Referred to Committee on Private Land Claims.

Also, that the House has passed the following Senate bills:

Senate bill No. 293, "An act for holding a special term of the District Court in the county of Freestone, for the trial of criminal causes, and for such other business of a criminal nature as may be lawfully considered in the district court."

Senate joint resolution No. 36, "Expressing sympathy for the people of Ireland in their struggle against the oppressive system of British landlordism."

Senate bill No. 242, "An act to amend article 4333 of the Revised Civil Statutes of the State of Texas, adopted February 21, 1879, and to provide for the registration of instruments relating to real estate in unorganized counties."

Senate bill No. 223, "An act to regulate the appointment and define the duties of notaries public," with amendments.

And that the House insists on its amendments to substitute Senate bills Nos. 30 and 70, and asks a conference committee to consider the disagreements of the two houses on the same, and appoints on said committee on the part of the House Messrs. Stribbling, Paddock and Bennick.

Also, that House concurs in Senate amendments to House bill No. 427, "An act to provide for designating and setting apart 300 leagues of land out of the unappropriated public domain for the benefit of the unorganized counties of the State, and to provide for the survey and location of the same."

Senator Gooch moved the appointment of a conference committee on substitute for Senate bills Nos. 30 and 70. Adopted, and the President appointed on the part of the Senate on said committee Senators Gooch, Davenport and Shannon.

Senator Stubbs moved the appointment of a free conference committee to consider the differences between the two houses on Senate bill No. 149. Adopted, and the President appointed on said committee on the part of the Senate Senators Stubbs, Gooch and Lair.

On motion of Senator Gooch, Senator Homan was excused indefinitely after to-day.

Senator Stewart moved to take up Senate bill No. 291 entitled "An act to ascertain what, if any unpaid balance of salary is due Hon. Gustave Cook, Judge of the Criminal District Court of Galveston and Harris counties, and making an appropriation therefor." Unanimously adopted. Bill taken up, read the second time and ordered engrossed.

Senator Shannon moved to take up Senate bill No. 224 entitled "An act to amend title 34 of the Revised Civil Statute of the State of Texas, by adding article 1665a and 1665b and to amend articles 1689 and 1702 of the election laws of the State of Texas, and to provide for creating election precincts in unorganized counties." Unanimously adopted, and bill taken up and read second time.

On motion of Senator Shannon, the committee amendments were adopted.

Senator Shannon offered the following amendment: 'The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended. Adopted.

Senator Powers offered the following amendment: Amend by adding at the end of last section of bill (before the emergency clause), the following:

*Provided*, That all questions arising at any election board shall be settled and determined by the presiding officer of the judges, anything in any law to the contrary notwithstanding.

Adopted and bill ordered engrossed.

Senator Stubbs, for the Committee on Federal Relations, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 25, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Federal Relations, to whom was referred Senate joint resolution No. 47, instructing our Senators and requesting our Representatives in Congress to urge the settlement, by the United States Government, of the losses caused by the burning, by Federal troops, of a part of the town of Brenham, in the year 1866, have considered the same and instructed me to report it back and recommend its passage.

The committee found that the facts upon which the resolution is based were fully investigated and reported upon by a joint select committee of the Legislature at the time of the occurrence.

STUBBS, for committee.

Read first time.

The following message was received from his Excellency, the Governor:

EXECUTIVE OFFICE,  
AUSTIN, March 26, 1881.

To the Honorable the Senate of the State of Texas:

I herewith submit to your honorable body for confirmation the following additional names for notaries public:

E. N. Eubank, new appointment, Van Zandt county.  
J. V. Wilson, new appointment, Wood county.  
T. A. Whetstone, new appointment, Rusk county.  
Charles E. Beard, new appointment, Bowie county.  
R. J. Ferguson, new appointment, Tom Green county.  
Joseph Spence, Jr., new appointment, Tom Green county.  
Noah Flood, new appointment, El Paso county.  
W. H. Pratt, new appointment, El Paso county.  
O. L. Coyner, new appointment, Henderson county.  
J. L. Spinks, new appointment, Van Zandt county.  
J. H. Robertson, to succeed himself, Williamson county.  
J. P. Dodd, new appointment, Williamson county.  
T. F. Overmier, new appointment, Parker county.  
W. H. Young, to succeed Elias Edmunds, in Bexar county, who has resigned; and I wish T. F. Miles, to take the place of J. F. Miles, for McLennan county, the name of J. F. Miles being sent through mistake.

Respectfully submitted,

O. M. ROBERTS, Governor.

Senator Buchanan of Wood moved that the Senate go into executive session, at 11:30 A. M. Monday next, to consider the appointments just sent in by the Governor. Adopted.

On motion of Senator Buchanan of Wood, the Senate adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

A message was received from the House announcing the passage of Senate joint resolution No. 41, "making an appropriation for the Thomas Toby claim."

And of substitute for Senate bill No. 189, "An act to amend chapter 5, title 22, of the Revised Civil Statutes of Texas, relating to county seats, by adding another article, to be known as article 694a."

And that the House adopted the report of conference committee on Senate bill No. 35, "An act to amend chapter 130 of acts 1879, entitled 'an act to encourage stockraising and for the protection of stockraising,'" and asks for a committee of free conference, and same committee appointed by the House.

The President, after reading its caption, signed House bill No. 427, "An act to provide for designating and setting apart 300 leagues of land out of the unappropriated public domain, for the benefit of the unorganized counties of the State, and to provide for the survey and location of the same."

Senate bill No. 288, "An act to amend articles 3705, 3715, 3738, 3742, 3744, 3746, 3747, 3752, 3759, 3662, 3766, 3768, and to repeal articles 3756 and 3758, chapter 3, title 78, of the Revised Civil Statutes of the State of Texas," being the bill pending on adjournment yesterday, was taken up. Read second time, with committee amendments.

On motion of Senator Stewart the committee amendments were considered separately.

Senator Swain offered the following amendment to second committee amendment: Strike out the proviso in article 3705 and insert in lieu thereof the following:

*Provided*, That children within the scholastic age attending denominational schools, where no religious tenets are taught, may receive their pro rata of the common school fund if so decided by the board of trustees of said community.

Senator Gooch moved a call of the Senate; call sustained.

Roll called; absent, Senator Moore.

On motion of Senator Gooch, the call was suspended.

On motion of Senator Buchanan of Wood, Senator Moore was excused for the evening.

The amendment to committee amendment was lost by the following vote:

YEAS—4.

Buchanan of Wood,	Powers,	Swain.
Lightfoot,		

NAYS—19.

Burges,	Homan,	Shannon,
Burton,	Lair,	Stewart,
Cooper,	Martin of Navarro,	Stubbs,
Davenport,	Patton,	Terrell,
Gooch,	Rainey,	Weatherred,
Henderson,	Ross,	Wynne.
Hightower,		

NOT VOTING.

Buchanan of Grimes.

Second committee amendment adopted.

Senator Buchanan of Wood offered the following substitute to third committee amendment: On page 2, line 15, strike out the words "this law," and insert instead the words, "the general school law as amended by this act." Adopted, and committee amendment, as amended, adopted.

Fourth committee amendment adopted.

Senator Buchanan of Wood offered the following amendment to article 3742: Strike out in lines 13 and 14, page 3, the words "of second or third grade." Adopted, and article 3742, as amended, adopted as substitute for fifth committee amendment.

Senator Buchanan of Wood offered the following amendment to sixth committee amendment: Amend by striking out of subdivision 12, article 3744, all that occurs after the

word "county," in line 25, and insert the following: "And to make such recommendation to the State Board of Education as such convention may consider for the best interest of the public school system."

Senator Lightfoot offered to amend Senator Buchanan's amendment as follows: Amend by inserting after the figures 25 the words "down to the word 'be,'" in line 28. Accepted, and amendment, as amended, adopted and made part of the bill.

Seventh committee amendment adopted.

Eighth committee amendment adopted.

Ninth committee amendment adopted.

Tenth committee amendment adopted.

Eleventh committee amendment adopted.

Twelfth committee amendment adopted.

Senator Cooper offered the following amendment to thirteenth committee amendment: Amend by striking out all after the word "judge," in line 9, page 11, down to and including line 13.

Senator Stewart moved a call of the Senate. Call sustained.

Roll called; absent, Senator Buchanan of Grimes.

Senator Gooch moved to suspend the call. Adopted.

The amendment of Senator Cooper was adopted, by the following vote:

#### YEAS—14.

Buchanan of Wood,	Hightower,	Shannon,
Burges,	Lair,	Stubbs,
Burton,	Lightfoot,	Weatherred,
Cooper,	Martin of Navarro,	Wynne.
Henderson,	Powers,	

#### NAYS—7.

Davenport,	Ross,	Swain,
Gooch,	Stewart,	Terrell.
Rainey,		

#### NOT VOTING—2.

Buchanan of Grimes Patton.

Senator Buchanan of Wood moved to amend by striking out article 3752. Adopted.

Senator Gooch, chairman of free conference committee, on the part of the Senate to consider the differences between the two houses on substitute for Senate bills Nos. 30 and 70, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your free conference committee, to whom was referred the differences between the Senate and the House on substitute for Senate bills Nos. 30 and 70, entitled "An act to establish the Twelfth, Seventeenth, Twentieth and Thirty-third Judicial Districts, and to prescribe times of holding courts in said districts, and in the Thirtieth District; to provide for the appointment of a district attorney in the Twentieth and a district judge in the Thirty-third Judicial District, and to provide for holding terms of the district court in certain counties now unorganized," have had the same under consideration, and have agreed to recommend and do recommend:

1. That the Senate agree to the House amendment to section 11.
2. That section 5 be amended so that the courts in Mitchell county shall be held on the fourth Mondays after the first Mondays in the months named, instead of after the third Mondays.

Respectfully submitted,  
J. YOUNG GOOCH, Chairman,  
J. H. DAVENPORT,  
W. R. SHANNON,  
Senate Committee.  
C. K. STRIBBLING, Chairman,  
B. B. PADDOCK,  
House Committee.

The fourteenth committee amendment to Senate bill No. 288 pending, on motion of Senator Stewart, the Senate adjourned till 9:30 A. M., Monday next.

#### SIXTY-FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, March 28, 1881. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by Rev. Dr. Pope, of Houston.

On motion of Senator Burges, the reading of the journal of Saturday was dispensed with, and the same adopted.

On motion of Senator Davenport, Capt. C. M. Boynton, Second Assistant Secretary, was excused indefinitely, on account of sickness, and F. M. McCaleb appointed to act in his lead.

Senator Powers, chairman of Committee on Claims and Accounts, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 26, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 297, entitled "An act making an appropriation for the payment of amount due by the State for certain furniture in the executive mansion," have considered the same and a majority of the committee instruct me to report it back and recommend that it do not pass, for the reason, aside from any question of merit, that it appears to be a bill for private relief, and it does not appear that notice of the intention to apply for the passage of the bill has been published as required by the Constitution.

POWERS, Chairman.

Senator Stubbs submitted the following minority report:

The undersigned member of the committee dissents from the majority report, as he does not believe that a bill such as this is, making an appropriation to pay a deficiency incurred in furnishing a building owned by the State, is such a special law as the Constitution contemplates shall be advertised as a condition precedent to its passage.

STUBBS, in minority.

Bill read first time.

Senator Stubbs, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 28, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 224, "An act to amend title 84 of the Revised Civil Statutes of the State of Texas, by adding articles 1065a and 1065b, and to amend articles 1689 and 1702 of the election laws of the State of Texas, and to provide for creating election precincts in unorganized counties."

No. 296, "An act to legalize and validate the ordinances of cities and towns, where said ordinances impose a penalty for their violation and have not been published in the official journal, as required by law, and to give force and effect to the same."

Also, Senate bill No. 298, "An act to ascertain what, if any, unpaid balance of salary is due Hon. Gustave Cook, Judge of the Criminal District Court of Galveston and Harris counties, and making an appropriation therefor."

STUBBS, for Committee.

Senator Powers, to supply an omission in the journals of Saturday, moved to have a free conference committee appointed on Senate bill No. 35. Adopted; and the President appointed on said committee Senators Martin of Navarro, Moore and Powers.

Senator Powers, for committee on free conference, submitted the following report:

(Report withdrawn for correction.)

The President, after reading their captions, signed the following bills:

Senate bill No. 189, "An act to amend chapter 5, title 22 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Sixteenth Legislature, by adding article 694a."

Senate bill No. 256, "An act for the relief of Wm. M. Harrison and L. A. Ellis."